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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/450,550	11/30/1999	ROBERT G. NADON	M-7739-US	7807

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EXAMINER	
WOOD, WILLIAM H	

ART UNIT	PAPER NUMBER
2124	17

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/450,550	NADON ET AL.	
	Examiner	Art Unit	
	William H. Wood	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,17 and 33-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,17 and 33-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1, 17 and 33-42 are pending and have been examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fisher** et al. (USPN 6,247,128) in view of **Lowry** (USPN 5,946,002) in view of "Dictionary of Computing: Fourth Edition" herein referred to as **Computing** in view of **Garcia** et al. (USPN 5,359,725) and in further view of **Barsness** et al. (USPN 5,960,206).

In regard to claim 1, **Fisher** disclosed the limitations:

- *A method of installing desired-language translations of software in a computer system, the software to be installed, at the time of assembly of the computer system, in response to a customer's order* (column 1, lines 14-19; column 11, lines 7-12), *the method comprising:*
  - *receiving a customer order* (column 11, liens 7-12);

- *creating a system description record (SDR) including an operating system software in a desired language* (column 11, lines 7-12 necessitates a record of the build information; column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and shows selectable language);
- *installing selected hardware components* (column 10, lines 28-40);
- *coupling the computer system to a server* (Figure 1; and column 4, lines 55-62);
- *reading, from the record, a first identifier that identifies operating system software to be installed in the computer system* (column 27, lines 22-33; Fisher has a list of components to be installed (including the operating system) and therefore is reading from the list);
- *based on the first identifier, establishing a first variable that specifies the operating system type* (column 27, lines 22-33; shows selectable operating system) *and a second variable that specifies a desired language* (column 27, lines 22-33; shows selectable language);
- *reading, from the record, a second identifier that identifies other software to be installed in the computer system* (column 27, lines 40-48; list of software components);
- *parsing the second identifier into a call to a batch file that (i) causes a native language version of the other software to be installed in the computer system* (column 11, lines 39-44; column 27, lines 30-33; set-up

routines allows for the initial installation of a native-language if that is all that is available based upon what software is selected)

Fisher did not explicitly state a second entity to translate text portions of software to a desired language. **Lowry** demonstrated that it was known at the time of invention to translate text portions of software (column 1, line 65 to column 2, line 24). It would have been obvious to one of ordinary skill in the art at the time of invention to implement Fisher's software installation system with the ability to translate software text to a desired language as found in **Lowry**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system complete to a user's specification. Furthermore, **Fisher** indicates it is desirable to provide software in a desired language (column 27, lines 30-33). Finally, multiple translation routines are present in that one would want to translate for multiple languages.

Neither **Fisher** nor **Lowry** explicitly stated using scripts for installation and translation. However, **Computing** demonstrated that it was known at the time of invention to use scripts to perform often-used functions, commands or actions (page 434). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher** and **Lowry**'s system of installing desirable language translated software with utilizing scripts for the purpose as found in **Computing**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to use a well understood and common procedure for implementing actions (scripting is

additionally useful for its ease and speed of programming). Specifically, **Fisher** indicates utilizing set-up routines for installing software (column 11, lines 39-44), and thus the script is identified by the software. This action obviously would be implemented by the installation scripting system, along with downloading the software.

Fisher, **Lowry** and **Computing** did not explicitly state the limitation *based on the type of file in which the other software is stored, and based on the operating system software, the translation script selects a translation routine from a set of available translation routines.* **Lowry** demonstrated that it was known to one of ordinary skill in the art at the time of invention to localize or translate files of multiple differing types (column 2, lines 2-14 and column 2, line 64 to column 3, line 7; the mention of these external resource files containing different information indicates at least two types of files). It would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher**, **Lowry** and **Computing**'s installation and translation with selecting a translation routine based on file type as suggested by **Lowry**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the type of file, which contains the data to be translated. Additionally, **Garcia** demonstrated at the time of invention that multiple differing operating systems employ differences in files and storage as well (column 1, lines 23-32). In view of operating system propriety and differencing, it would have been obvious to one of ordinary skill in the art at the time of invention to implement **Fisher**,

Lowry and **Computing**'s installation and translation not only selecting based upon file type but also with selecting a translation routine based upon operating system software present as suggested through the teachings of **Garcia**. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide the most accurate translation possible by tailoring localization and translation to the operating system software present.

Fisher and **Lowry** did not explicitly state substituting translations "substantially contemporaneously" with installation of other software. **Barsness** demonstrated that it was known at the time of invention to install components of software simultaneously (column 2, lines 4-7; column 7, lines 51-55). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of **Fisher**, **Lowry**, **Computing** and **Garcia** with installing translated components along with other software components substantially simultaneously or contemporaneously as found in **Barsness**' teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make total installations quickly and produce a finished product quickly (**Barsness**: column 7, lines 51-55).

In regard to claim 33, **Fisher**, **Lowry**, **Computing**, **Garcia** and **Barsness** further disclosed the limitation *providing a server for storing the native-language version of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 34, **Fisher**, **Lowry**, **Computing**, **Garcia** and **Barsness** further disclosed the limitation *coupling the computer system to the server during installation of the software* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 35, **Fisher**, **Lowry**, **Computing**, **Garcia** and **Barsness** further disclosed the limitation *wherein the record is accessible to the server* (Fisher: Figure 1; column 4, lines 55-62).

In regard to claim 36, **Fisher**, **Lowry**, **Computing**, **Garcia** and **Barsness** further disclosed the limitation *an installation script stored on the server* (Fisher: Figure 1; column 4, lines 55-62)

In regard to claim 37, **Fisher**, **Lowry**, **Computing**, **Garcia** and **Barsness** further disclosed the limitation *wherein the translation script is stored on the server and is called by the installation script which, in turn, calls the translation routine* (Figure 1; column 4, lines 55-62 in view of the above obvious combinations).

In regard to claims 17 and 38-42, the method of claim 17 correlates to the method of claim 1 and as such the limitations of claim 17 are rejected in the same manner as for claim 1. Claims 38-42 correspond to claims 33-37 and are rejected similarly.

3. Claims 1, 17 and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al. (USPN 6,247,128) in view of Lowry (USPN 5,946,002) in view of "Dictionary of Computing: Fourth Edition" herein referred to as Computing and in further view of Garcia et al. (USPN 5,359,725). The rejection of Office Action mailed 16 July 2003 still stands with additional note below.

Fisher and Lowry did not explicitly state substituting translations "contemporaneously" or "substantially contemporaneously" with installation of other software. Official Notice is taken that it was known at the time of invention to install components of software simultaneously or nearly simultaneously. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the installation system of Fisher, Lowry, Computing and Garcia with installing translated components along with other software components nearly simultaneously or contemporaneously (installing and immediately translating or translating and then installing, ie. "substantially contemporaneously"). This implementation would have been obvious because one of ordinary skill in the art would be motivated to make total installations/configurations quickly and thus produce a finished product quickly.

Response to Arguments

4. Applicant's arguments filed 29 March 2004 have been fully considered but they are not persuasive. Applicant argued the newly amended limitations were not disclosed by the cited prior art. This is proven incorrect by the adjusted rejections. Again, Applicant generally argued the combined references do not provide a *prima facie* case

for obviousness and are derived through hindsight. This was addressed in the last office action. Furthermore, the above cited combinations provide for motivation (coming from the cited art or from the body of knowledge available to one of ordinary skill in the art), reasonable expectation of success, and teachings of the claimed limitations. Applicant off-handedly dismisses the rejection with no clearly cited example of how the cited prior art fails (other than to generally state the references do not teach the claimed invention). The rejections being proper based upon the above cited procedure and the prior art being deemed to address all of Applicant's claim limitations, the rejections stand.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (703)305-3305. The examiner can normally be reached 7:30am - 5:00pm Monday thru Thursday and 7:30am - 4:00pm every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
April 19, 2004

TODD INGBERG
PRIMARY EXAMINER